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Dkt. 53437-A-PCT-US/JPW/MAF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

Applicants: Philip O. Livingston, et al.

OCT 31 2002

Serial No.: 09/534,711

Examiner: C. Yaen

TECH CENTER 1600/2900

Filed : March 24, 2000

Group Art Unit: 1642

For : FUCOSYL GM1-KLH CONJUGATE VACCINE AGAINST SMALL CELL
LUNG CANCER

1185 Avenue of the Americas
New York, New York 10036
October 21, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box AF

SIR:

**NOTICE OF APPEAL FROM
THE EXAMINER'S DECISION TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

#11
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Applicants hereby appeal to the Board from the Final Office Action mailed April 22, 2002 finally rejecting pending claims 1-2, 5-8 and 11-16 in connection with the above-identified application.

Applicants previously filed on July 16, 2002, a "Response To Final Office Action dated April 22, 2002". Applicants are concurrently filing herewith a Petition For An Additional Three Month Extension of Time. With such additional three month extension of time, the subject application is pending today, i.e. October 21, 2002. Accordingly, this Notice of Appeal is being timely filed.

The required small entity fee for filing a Notice of Appeal under 37 C.F.R. §1.17(b) is ONE HUNDRED SIXTY DOLLARS (\$160.00), and a check for this amount is enclosed.

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No fee, other than the enclosed \$160.00 fee for filing this Notice of Appeal, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

Mark A. Farley

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Mark A. Farley 10/21/02
John P. White Date
Reg. No. 28,678
Mark A. Farley
Reg. No. 33,170

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